

Christopher R. Miltenberger
Nevada Bar No. 10153
GREENBERG TRAURIG, LLP
10845 Griffith Peak Drive, Suite 600
Las Vegas, Nevada 89135
Telephone: (702) 792-3773
Facsimile: (702) 792-9002
Email: miltenbergerc@gtlaw.com

Jeffrey P. Dunning
Pro Hac Vice
GREENBERG TRAURIG, LLP
77 West Wacker Drive, Suite 3100
Chicago, IL 60601
Telephone: (312) 456-6612
Facsimile: (312) 899-0351
Email: dunningj@gtlaw.com

Counsel for Defendant PHWLTV, LLC

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

Aladdin's Eatery Systems, Inc., an Ohio
corporation,

Plaintiff,

v.

PHWLTV, LLC a Nevada limited liability
company; and OPBIZ, LLC, Nevada
limited liability company,

Defendants.

Case No. 2:18-cv-00412 APG-GWF

**STIPULATION AND [PROPOSED]
ORDER TO EXTEND DEADLINE FOR
DEFENDANT PHWLTV, LLC TO
RESPOND TO AMENDED
COMPLAINT FOR DECLARATORY
JUDGMENT [ECF 31]**

(Fourth Request)

Pursuant to LR IA 6-1, LR IA 6-2, and LR 7-1, Defendant PHWLTV, LLC ("PHWLTV") and Plaintiff Aladdin's Eatery Systems, Inc. ("Plaintiff"), by and through their respective counsel, hereby stipulate and agree to extend the deadline for Defendant PHWLTV to plead or otherwise respond to Plaintiff's Amended Complaint for Declaratory Judgment (Doc. #31) ("Amended Complaint") until September 4, 2020, and request that the Court enter an Order

1 approving the same. This is the parties' fourth request for an extension of the deadline to respond
2 to the Amended Complaint since the entry of the Court's Order on PHWLV's Motion to Dismiss
3 Amended Complaint on April 20, 2020 (Doc. #48).

4 On March 22, 2019, the Court entered an Order (Doc. #30) granting PHWLV's Motion to
5 Dismiss Plaintiff's Complaint Pursuant to Fed. R. Civ. P. 12(b)(1) and 12(b)(6) (Doc. #21), and
6 providing Plaintiff until April 12, 2019 to file an Amended Complaint.

7 On April 12, 2019, Plaintiff timely filed its Amended Complaint (Doc. #31).

8 On June 10, 2019, PHWLV filed a Motion to Dismiss the Amended Complaint (Doc.
9 #40), which motion was thereafter fully briefed by the parties.

10 On April 20, 2020, the Court entered an Order (Doc. #48) denying PHWLV's Motion to
11 Dismiss Amended Complaint. On April 29, 2020, the Court entered an Order (Doc. #52)
12 approving the parties' stipulation to extend the time for PHWLV to respond to Plaintiff's
13 Amended Complaint to June 4, 2020, in light of ongoing settlement discussions. On June 8,
14 2020, the Court entered an Order (Doc. #54) approving the parties' stipulation to extend the time
15 for PHWLV to respond to Plaintiff's Amended Complaint to July 6, 2020, again in light of
16 ongoing settlement discussions. On July 7, 2020, the Court entered an Order (Doc. #56)
17 approving the parties' stipulation to extend the time for PHWLV to respond to Plaintiff's
18 Amended Complaint to August 5, 2020, again in light of ongoing settlement discussions.

19 The parties have now reached a settlement to resolve their dispute and to dismiss this
20 action. The parties are in the process of obtaining signatures from their respective clients on the
21 definitive settlement documents and need additional time in order to finalize the same. As a
22 result, PHWLV has requested an additional extension until September 4, 2020 to enable the
23 parties to obtain signatures on the settlement and to secure dismissal of this action. This is
24 PHWLV's fourth request for an extension of its deadline to respond to the Amended Complaint
25 since the entry of an Order denying PHWLV's Motion to Dismiss Amended Complaint.
26 Plaintiff has agreed to the requested extension in light of the parties' settlement.

1 This Stipulation is entered into in good faith and is not intended to delay these
2 proceedings. The parties will not be prejudiced by this Stipulation and the parties are in
3 agreement with respect to PHWLTV's requested extension.

4 Based on the foregoing, good cause exists to grant PHWLTV's request and the parties
5 respectfully request that the Court enter an order extending the deadline for PHWLTV to plead or
6 otherwise respond to the Amended Complaint until September 4, 2020.

7 Dated: August 5, 2020

Dated: August 5, 2020

8
9 By: /s/ Christopher R. Miltenberger
Christopher R. Miltenberger
10 Nevada Bar No. 10153
GREENBERG TRAURIG, LLP
11 10845 Griffith Peak Drive, Suite 600
Las Vegas, NV 89135

By: /s/ Edward T. Saadi
Edward T. Saadi, Esq.
12 *Pro Hac Vice*
EDWARD T. SAADI, LLC
970 Windham Court, Suite 7
Boardman, OH 44512

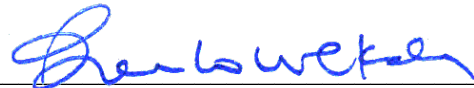
13 Jeffrey P. Dunning
Pro Hac Vice
14 GREENBERG TRAURIG, LLP
77 West Wacker Drive, Suite 3100
15 Chicago, IL 60601

Jeffrey A. Cogan
Nevada Bar No. 4569
16 JEFFREY A. COGAN, ESQ., LTD.
4760 South Pecos Road, Suite 100
Las Vegas, Nevada 89121

17 *Attorneys for Defendant PHWLTV,*
LLC

Attorneys for Plaintiff Aladdin's Eatery
Systems, Inc.

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19 **IT IS SO ORDERED:**

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22 **UNITED STATES**
MAGISTRATE/DISTRICT JUDGE

23 **DATED:** August 6, 2020
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